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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/831,838	06/11/2001	Marcel Aeschlimann	FRR/12507	9776

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RANKIN, HILL, PORTER & CLARK, LLP  
700 HUNTINGTON BUILDING  
925 EUCLID AVENUE, SUITE 700  
CLEVELAND, OH 44115-1405

EXAMINER

NGUYEN, CAM LINH T

ART UNIT	PAPER NUMBER
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2171

DATE MAILED: 01/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/831,838

Applicant(s)

AESCHLIMANN ET AL.

Examiner

Cam-Linh T. Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>8</u> . | 6) <input type="checkbox"/> Other: _____.                                   |

## **DETAILED ACTION**

### ***Drawings***

1. The subject matter of this application admits of illustration by a drawing to facilitate understanding of the invention. Applicant is required to furnish a drawing under 37 CFR 1.81. No new matter may be introduced in the required drawing.

### ***Abstract***

2. The abstract of the disclosure is objected to because the abstract includes more than 150 words. A brief narrative of the disclosure as a whole in a single paragraph of 150 words or less commencing on a separate sheet following the claims. In an international application which has entered the national stage (37 CFR 1.491(b)), the applicant need not submit an abstract commencing on a separate sheet if an abstract was published with the international application under PCT Article 21. The abstract that appears on the cover page of the pamphlet published by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) is the abstract that will be used by the USPTO. See MPEP § 1893.03(e).

Correction is required. See MPEP § 608.01(b).

### **Claim Objections**

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Claims 1, and 16 include: "the acquisition of information" in the first line of each claim are not provided proper antecedent basis.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the

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art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1 – 23 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for the phrase “substantially stationary transmitting stations” in page 2 paragraph 0006, does not reasonably provide enablement for the environment of the invention or the best mode of applying the invention. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to when to use the invention commensurate in scope with these claims.

***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1 – 23 are rejected under 35 U.S.C. 101 because the claimed invention is not supported by either a specific or substantial asserted utility or a well established utility.

Claims 1 and 16 include phrases “substantially stationary transmitting stations” in lines 3 and lines 1- 2 in page 5, respectively. The phrase does not clearly support where to apply the invention (with a substantially or stationary station).

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 – 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Behr et al (U.S. 5,543,789).

♦ As per claims 1,16,

Behr et al discloses a method for the acquisition of information from at least one database managed by a computer with a search engine, wherein from a user terminal that cooperates with substantially stationary transmitting stations of a communication network, an information request is established, wherein the information request is transmitted to the computer and wherein the computer selects and/or organizes information from the database and transmits it to the user terminal, comprising:

- “Providing the information stored in the database with location attributes” See Fig. 1, element 72, in particular:
  - “The database” corresponds to the map database 72.
  - “Location attributes” corresponds the “geographic information” such as addresses, navigation attributes (See col. 8 line 52 – 61).
- “Transmitting the information request to the computer together with location data defining the location of the user terminal” See Fig. 2, element 104, wherein:
  - “Information request” corresponds to the query that being transmit to the base server.
  - “Location data” corresponds to the data that defined the location of user terminal such as “longitude” or “latitude” (See fig. 3 element 136, 138, col. 12 line 37 - 40).

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- "Correlating the location data and location attributes for selecting and/or organizing the information" See Fig. 2, element 116, 118.

◆ As per claims 2, 17, Behr discloses:

- "The user terminal is mobile and the user terminal generates or acquires the location data and transmits these to the computer" See Fig. 1 element 16, 18, 20, col. 6 lines 51 – col. 7 lines 4.

◆ As per claims 3 - 6, 18 – 19, Behr discloses:

- "The user terminal for generating or acquiring the location data contacts at least one transmitting station" corresponds to the "GPS" (Global Positioning system) or the "satellite positioning system" See col. 6 lines 65 – col. 7 lines 2.
- Since the user terminal is mobile, therefore, the data defining the location of transmitting stations is automatically transmitted in dependence upon the location of the user terminal.

◆ As per claims 7 - 8, 20, Behr discloses:

- "The data defining the location of transmitting station is transmitted to the user terminal through a service channel". See col. 6 lines 65 – col. 7 lines 2. The satellite positioning system or "GPS" must include a service channel to transmit the signals.

◆ As per claims 9 – 10, 21 – 22, Behr discloses:

- "Data relating to the transmission characteristics are recorded and is utilized for generating the location data", and "The recorded data is related to the signal transmit times" See col. 6 lines 51 – col. 7 lines 4, and Fig. 3.

♦ As per claims 11 - 14, Behr discloses:

- "Additional search criteria are employed in addition to the determined location data" See Fig. 3, col. 12 lines 1 – col. 13 lines 5.

♦ As per claim 15, Behr discloses:

- " Search criteria are entered on the user terminal" See col. 6 line 34 – 35.

♦ As per claim 23, Behr discloses:

Because the mobiles terminal disclosed in Behr invention can be a pager (col. 6 lines 2 – 4), therefore, the communication network is a GSM-wireless network.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Endo et al (U.S. 4,311,876) discloses a route guidance system for roadway vehicles.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cam-Linh T. Nguyen whose telephone number is 703-305- 1951. The examiner can normally be reached on Monday - Friday from 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (703) 308- 1436. The fax phone number for the organization where this application or proceeding is assigned is 703- 746- 7239.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703- 305-3900.

Cam-Linh Nguyen  
Art Unit 2171

  
WAYNE AMSBURY  
PRIMARY PATENT EXAMINER

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